

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

JOSE LUIS ROMERO LOPEZ,

Defendant.

Case No. 1:24-MJ-388

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kevin Ho, being duly sworn, depose and state:

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE") in Fairfax County, Virginia. I have been employed with ICE for more than fifteen years. I was previously employed as a Customs and Border Protection Enforcement Officer for U.S. Customs & Border Protection and its predecessor, the United States Immigration and Naturalization Service, beginning in April 1996. I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for JOSE LUIS ROMERO LOPEZ (hereafter referred to as ROMERO LOPEZ), an alien who was found in the United States after being denied admission, excluded, deported, or removed, or

having departed the United States while an order of exclusion, deportation, or removal was outstanding, subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Section 1326(a) and (b)(2). This affidavit is also submitted in support of an arrest warrant.

4. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, but it is not intended to include every fact and matter observed by me or known to the United States.

SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE

5. On or about December 24, 2023, ICE learned that ROMERO LOPEZ had been detained at the Fairfax County Adult Detention Center in Fairfax, Virginia, within the Eastern District of Virginia.

6. ICE performed records checks which confirmed that ROMERO LOPEZ is a native and citizen of El Salvador who was removed from the United States on or about November 17, 2017, at or near Alexandria, Louisiana. ROMERO LOPEZ did not have legal authorization to reenter or remain in the United States.

7. On or about June 13, 2024, ICE Homeland Security Investigations (HSI) received information from the HSI TIP Line regarding information on ROMERO LOPEZ, a native and citizen of El Salvador, who was previously removed from the United States. The tipster stated that ROMERO LOPEZ has been previously deported and returned to the United States. This tip was referred to the ICE Enforcement Removal Operation (ERO) Washington Field Office for further investigation.

8. I requested the fingerprint card and booking photo relating to ROMERO LOPEZ's most recent Virginia arrest. The fingerprint card was electronically processed through ICE indices containing fingerprint records of known and previously deported aliens. Results of this query showed positive matches to ROMERO LOPEZ and his FBI number.

9. I also reviewed ROMERO LOPEZ's immigration file maintained by U.S. Citizenship and Immigration Services. The file contained an executed Immigration Service form I-205, Warrant of Removal/Deportation, bearing ROMERO LOPEZ's photograph, fingerprint, and signature. This form showed that ROMERO LOPEZ was removed from the United States on November 17, 2017 from Alexandria, Louisiana.

10. On September 3, 2024, I asked the ICE HSI Forensic Laboratory to compare the following fingerprints:

a) ROMERO LOPEZ's right index fingerprint on the Immigration Service Form I-205 executed on November 17, 2017;

b) ROMERO LOPEZ's fingerprint card taken on December 24, 2023 by Fairfax County, Virginia Police Department;

c) ROMERO LOPEZ's fingerprint card taken on August 26, 2014 by ICE DRO Harrisonburg, Virginia;

d) ROMERO LOPEZ's fingerprint card taken on September 26, 1997 by USINS Alexandria, Virginia; and

e) ROMERO LOPEZ's fingerprint card taken on January 11, 1996 by USINS Arlington, Virginia.

On September 5, 2024, the HSI Forensic Laboratory successfully matched four of the five submitted fingerprints to ROMERO LOPEZ. The one print, the Immigration Service form I-205 showing his removal on November 17, 2017, was too poor of quality for comparison.

11. On September 11, 2024, ICE Air Operations (IAO) located in Mesa, Arizona confirmed ROMERO LOPEZ's November 17, 2017 removal from their Removal Manifest Number, 180209. The same Removal Manifest Number, 180209 is written on the executed Immigration Service Form I-205 showing ROMERO LOPEZ's Removal on November 17, 2017. Your affiant obtained a copy of the Removal Manifest Number, 180209. Affiant compared ROMERO LOPEZ's booking photograph from the December 24, 2023 arrest by the Fairfax County, Virginia Police Department to the photograph taken for the Immigration Form I-205 and believes the photographs are a match.

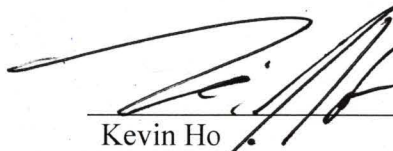
12. ROMERO LOPEZ's alien file lacks evidence of any immigration benefit, document, or status that would allow him to legally enter, be admitted, pass through, or reside in the United States. Further, ROMERO LOPEZ has not obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States following his formal removal.

13. ROMERO LOPEZ's immigration file contains documents which show that ROMERO LOPEZ was convicted of an aggravated felony offense prior to his removal from the United States. Specifically, ROMERO LOPEZ was convicted of Unlawful Wounding on June 11, 2010, in the Circuit Court of Fairfax County, Virginia, in violation of Virginia Statue Code 18.2-51, for which ROMERO LOPEZ was sentenced to a term of imprisonment of five years.

CONCLUSION

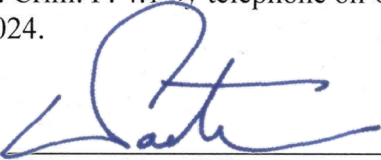
14. Based on the foregoing, I submit that there is probable cause to believe that on or about December 24, 2023, in Fairfax, Virginia, within the Eastern District of Virginia, JOSE LUIS ROMERO LOPEZ, an alien who was removed from the United States on or about November 17, 2017, at or near Alexandria, Louisiana, after having been convicted of an aggravated felony, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.

Respectfully submitted,



Kevin Ho
Deportation Officer
U.S. Immigration and Customs Enforcement

Respectfully submitted and attested to in
accordance with the requirements of Fed.
R. Crim. P. 4.1 by telephone on October 10,
2024.



The Honorable William B. Porter
United States Magistrate Judge

Alexandria, Virginia